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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,248	06/11/2001	Jang-hoon Yoo	1293.1213	7975
21171	7590	09/23/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,248

Applicant(s)

YOO ET AL

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-11, 14, 15, 19-22, 24-26, 29, 30 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 2, 6, 7, 12, 13, 16-18, 23, 27, 28 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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In response to applicant's amendment dated June 23, 2004. The following action is taken:

The serial number cited in the amendment to the claims (10/299905) is an error and should be corrected in the next office action.

It appears that claim 9 was amended by adding an incomplete limitation to the claims (no period at the end of the claim).

Applicant's amendment to the claim did not overcome the rejection under 102 using Abe et al (6084843). The claims are rejected for the same reasons set forth in the previous office action.

Claims 1, 3-5, 8-11, 14, 15, 19-22, 24-26, 29, 30 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe et al (6084843).

The reference shows an optical disk recording and reproducing apparatus reading different formatted disks 41a, 41b, a light module selectively emitting a first and second reading beams having different wavelengths 21, a holographic element 22A guiding the light beams into a common path 25, an optical path changing element 23, an objective lens 26 and photo detection means 28. The limitations of claim 26 is found in figs 20, 21 31 and 32 showing the use of a non-zero light beam being focused on the corresponding disk and reflected back to the photo detection element.

With respect to the limitation of claim 3. the reference shows the use of a holographic element 25 wherein a non-perpendicular light beam is incident thereon 21A and transmitted into a common path (focusing direction).

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With respect to the limitations of claims 4 and 14. The holographic element having stepped grating is employed within an apparatus with two light emitting sources ranging from 630-nm to 730nm. Therefor the depth of such grating must inherently fall within the claimed range see figs 14-16.

With respect to the limitation of claim 5 see figs 14-16.

With respect to the limitations of claims 8 and 21 see fig 4 elements 114 and 116.

With respect to the limitation of claim 10 see elements 21a, 21b and 25.

With respect to the limitation of claim 11 see figs 18-21.

With respect to the limitations of claims 15 and 19 see fig 14.

With respect to the limitation of claim 20 see fig 4 element 120.

With respect to the limitations of claims 22 and 24 see figs 20 and 21.

With respect to the limitation of claim 25 see element 26.

With respect to the limitations of claims 29, 30, 32, 33 and 34 see figs 20 and 21 regarding the first order light beam and element 114.

Claims 2, 6, 7, 12, 13, 16-18, 23, 27, 28, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows the objective lens structure as claimed, adjusting the hologram coupler position based on positional tolerance between the first and second light sources, the zero percentage transmittance and the holographic pattern depth difference

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Applicant's arguments filed June 23, 2004 have been fully considered but they are not persuasive. In response to applicant's arguments regarding Abe et al reference. The reference does show each and every limitations of independent claims 1, 9 and 26. the reference does show the use of a an optical path changing unit 23 for selectively altering the reflected first and second light beams from the disk into the photo detection 28. the path alteration is different from the common path (focusing direction or perpendicular to the disk) . thus element 61, 63 and 71 of the claimed invention correspond to elements 22A, 23 and 28 of the reference. The reference Abe et al does show the use of a grating 22A disposed between the light emitting elements 21A, 21B and the optical element changing unit 23 meeting the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication should be directed to NABIL Z HINDI
at telephone number (703) 308-1555.

A stylized, handwritten signature in black ink, likely belonging to Nabil Z Hindi. The signature is fluid and cursive, with a large, sweeping loop at the end.

Nabil Z Hindi
Primary Examiner
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